UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,589	10/10/2001	Pekka Ala-Honkola	0138US-Oplayo	7114

23521   7590   02/10/2005
SALTAMAR INNOVATIONS
30 FERN LANE
SOUTH PORTLAND, ME 04106

EXAMINER
ALAM, UZMA

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/974,589	ALA-HONKOLA, PEKKA
	Examiner	Art Unit	
	Uzma Alam	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 October 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the application filed on October 10, 2001. Claims 1-31 are

pending. Claims 1-31 represent a method for providing an adaptive media stream.

Claim Objections

Claims 1, 2, 14, objected to because of the following informalities.

As per claim 1, the steps should be re-lettered to include an "a)."

As per claims 2 and 14, the word indented in line 4 of the claims should be "intended."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 rejected under 35 U.S.C. 102(e) as being anticipated by Geagan, III et al.

Geagan teaches the invention as claimed including having additional streams to account for data

loss (see abstract).

As per claim 1, Geagan teaches a method for providing an adaptive media stream

between a sending terminal and a user's terminal wherein the adaptive media stream comprises at

least one media stream and the method comprises the steps of:

b) choosing a transmission speed rate for the media stream (selecting a rate at which the

stream will be played; column 2, lines 15-51; column 7, lines 26-40; column 11, lines 18-61;

column 29, lines 44-60);

c) selecting a suitable data source for the media stream among sources containing

essentially the same information content, each source intended for a certain information transfer

condition (selecting a stream based on the transfer speed from a few different streams; column

10, lines 1-8, lines 44-67; column 29, lines 61-67);

d) playing the media stream (playing the stream; column 8, lines 24-37; column 9, lines

31-67),

e) checking the suitability of the actual transmission speed rate (comparing the rate with

the traffic conditions; column 10, lines 23-44; column 11, lines 19-32),

f) continuing playing the media stream if the transmission speed is still suitable or

(column 9, lines 31-67; column 10, lines 22-43; column 11, lines 18-32),

g) selecting a new data source, which is suitable at the moment (column 11, lines 18-22;

column 13, lines 6-34),

h) as a response for the selection of the new data source, playing a new media stream

(column 8, lines 40-55; column 13, lines 20-46),

i) repeating steps d) to g) until the stream, which is played, stops (column 13, line s47-

65).

As per claim 2, Geagan teaches a method according to claim 1 wherein step b) comprises

the phase of reading a header field of a file, which contains at least two data sources, the header

indicating the starting points of the sources and to which transmission speed rate each source is

intended (the header gives starting points of the sources; Figures 3 and 4, column 12, lines 62-67;
column 13, lines 1-22).

As per claim 3, Geagan teaches a method according to claim 2 wherein step c) comprises
the phase of starting to read from the starting point of the selected source (column 12, lines 61-
67).

As per claims 4 and 6, Geagan teaches a method according to claims 1 and 3 wherein step
d) comprises the phase of monitoring a filling degree of a buffer for incoming data in the user's
terminal (column 7, lines 8-11; column 13, lines 66-67; column 14, lines 1-8).

As per claims 5 and 7, Geagan teaches a method according to claim 4 comprising that if
the buffer is becoming empty or full, then step f) is chosen, else step e) is chosen (column 7,
lines 8-11; column 13, lines 66-67; column 14, lines 1-8).

As per claims 8, 9 and 10, Geagan teaches a method according to claims 1, 5 and 7
wherein the information of the selection of the new data source is transmitted from the user's
terminal to the sending terminal using a GET method of an HTTP protocol with an optional
RANGE field (column 3, lines 39-50).

As per claim 11, Geagan teaches a method according to claim 1 wherein step g)

comprises phases of terminating the old media stream after starting to play the new media stream

and creating the new media stream before playing the new media stream (column 13, lines 6-65)

As per claim 12, Geagan teaches a method according to claim 1, wherein step g) further

comprises the step of reading timing marks in said adaptive media stream for defining the right

point to start playing the new media stream (column 1, lines 1-17; column 11, lines 62-67;

column 12, lines 1-22).

As per claim 13, Geagan teaches a method according to claim 11, wherein step g) further

comprises the phase of reading timing marks in the data source for defining the right point to

start playing the new media stream (column 1, lines 1-17; column 11, lines 62-67; column 12,

lines 1-22).

As per claim 14, Geagan teaches a method according to claim 1 wherein step b)

comprises the phase of reading a header field of files, where each contains one data source, the

header indicating the starting points of the source and to which transmission speed rate the

source is intended (the header gives starting points of the sources; Figures 3 and 4, column 12,

lines 62-67; column 13, lines 1-22).

As per claim 15, Geagan teaches an arrangement for providing an adaptive media stream between a sending terminal and a client terminal, wherein the adaptive media stream comprises at least one media stream and the arrangement comprises:

a) means in the client terminal for choosing a transmission speed rate for the media stream (selecting a rate at which the stream will be played; column 2, lines 15-51; column 7, lines 26-40; column 11, lines 18-61; column 29, lines 44-60);

b) a data structure in the sending terminal comprising at least two data sources containing essentially the same information, each source intended for a certain transmission speed rate (selecting a stream based on the transfer speed from a few different streams; column 10, lines 1-8, lines 44-67; column 29, lines 61-67);

c) means in the client terminal and the sending terminal for selecting a suitable data source from among the sources for the media stream (selecting a stream based on the transfer speed from a few different streams; column 10, lines 1-8, lines 44-67; column 29, lines 61-67);

d) means in the user's terminal for checking the suitability of the transmission speed rate when the media stream is played (comparing the rate with the traffic conditions; column 10, lines 23-44; column 11, lines 19-32),

e) means in the user's terminal for reselecting a suitable data source from among the sources for a new media stream (column 11, lines 18-22; column 13, lines 6-34).

As per claim 16, Geagan teaches an arrangement according to claim 15, wherein the arrangement further comprises means for playing the data structure in a way that the playing is started from the right point of the data structure (column 12, lines 61-67).

As per claim 17, Geagan teaches an arrangement according to claim 16, wherein means a) comprises means for reading a message from the user's terminal, which defines alternative transmission speed rates (column 3, lines 39-50).

As per claim 18, Geagan teaches an arrangement according to claim 16, wherein each source comprises timing marks, which indicate the corresponding point in the other sources (column 1, lines 1-17; column 11, lines 62-67; column 12, lines 1-22).

As per claim 19, Geagan teaches an arrangement according to claim 18, wherein the arrangement further comprises a GET method of an HTTP protocol with an optional RANGE field for transmitting the information of the reselection of the suitable data source from the user's terminal to the sending terminal (column 3, lines 39-50).

As per claim 20, Geagan teaches an arrangement according to claim 16, wherein means d) comprises means for monitoring a filling degree of a buffer for incoming data in the user's terminal (column 7, lines 8-11; column 13, lines 66-67; column 14, lines 1-8).

As per claim 21, Geagan teaches an arrangement according to claim 16, wherein the data structure is a file containing the data sources (column 2, lines 15-22; column 10, lines 44-67).

As per claim 22, Geagan teaches an arrangement according to claim 21, wherein means

c) comprises means for reading a header of the data structure, which indicates the starting points

of the sources and to which transmission speed rate each source is intended (the header gives

starting points of the sources; Figures 3 and 4, column 12, lines 62-67; column 13, lines 1-22).

As per claim 23, Geagan teaches an arrangement according to claim 16, wherein that the

data structure is a number of files, each of them containing one data source (column 2, lines 15-

42; column 10, line s44-67).

As per claim 24, Geagan teaches an arrangement according to claim 23, wherein means

c) comprises means for reading headers of the files, which indicate the starting point of the

source and to which transmission speed rate the source is intended (the header gives starting

points of the sources; Figures 3 and 4, column 12, lines 62-67; column 13, lines 1-22).

As per claim 25, Geagan teaches a method for storing adaptive media stream data

comprising:

storing a plurality of media stream sources, each representing a substantially similar

information content, and each adapted for a different set of information transfer conditions

(storing media stream sources; column 9, lines 47-67; column 12, lines 29-60);

providing a plurality of pointers into said media stream sources, said pointers associated

with source locations in others of said media stream sources and pointing to the target locations

in the others of said media stream sources (pointers pointed to locations of the streams; column

10, lines 44-67; column 12, lines 61-67; column 13, lines 1-18);

wherein the information content of said target locations are substantially a continuation of

the information content prior to said source locations (the stream continues from previous

streams; column 13, lines 18-34).

As per claim 26, Geagan teaches the method of claim 25 wherein said pointers are

embedded within said adaptive media stream data (pointers are part of the data stream; column

13, lines 35-44).

As per claim 27, Geagan teaches the method of claim 25 wherein said plurality of media

stream sources are contained in a single file (column 9, lines 47-67; column 10, lines 22-43).

As per claim 28, Geagan teaches the method of claim 27 wherein said target locations

pointers comprise a byte offsets into said single file (column 10, lines 44-67).

As per claim 29, Geagan teaches the method of claim 27 wherein said target location

pointers comprise offsets into the others of said stream sources, within said single file (column 1,

lines 44-67).

As per claim 30, Geagan teaches the method of claim 25 wherein said source locations

indicate files each containing at least one of said media stream sources (column 9, lines 47-67;

column 10, lines 22-43).

As per claim 31, Geagan teaches the method of claim 30 wherein said target location

pointers further comprises a byte offset into said appropriate file (column 10, lines 44-67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Youden et al. US Patent No. 5,815,146

Dan et al. US Patent No. 5,544,327

Chen et al. US Patent No. 6,665,751

Kenner et al. US Patent No. 6,665,706

Demoney US Patent No. 6,065,050
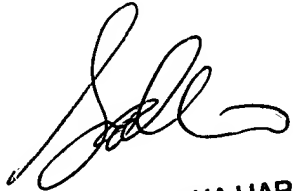
Day et al. US Patent No. 5,996,015

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The

examiner can normally be reached on Monday-Tuesday 11:30am-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma alam
ua

SALEH NAJJAR
PRIMARY EXAMINER